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L-F/227

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Remarks

In response to the Examiner's Office Action, Applicant submits that all claims are clearly patentable over the citation to the Woodruff '708 patent.

Specifically, the present claims are directed to a pushrod for a syringe having a "shaft including a scale corresponding to the volume of the prefilled syringe" and a "stop configured for location along the shaft" (see independent claims 1 and 6), and to a method in which a "calibrated pushrod" is coupled to the syringe and "setting a stop on the pushrod to a prescribed dosage".

Apparently the Examiner believes the Woodruff patent shows, as claimed herein, a shaft with a scale and a stop that is located using that scale. Applicant respectfully submits the Examiner is incorrect. In contrast to what is claimed herein, Woodruff has a quite different approach: the scale is attached to the stop, and one sets the stop and scale relative to the plunger to calibrate for an injection. See, e.g., this text at col. 3 lines 2-15 of Woodruff:

The scale is moveable relative to the plunger by a slide element attached to the scale at its zero indicia designation. The scale is calibrated such that when the slide element is retracted to its most rearward position on the plunger, a fixed reference position proximate to the rear end of the container (e.g. a rear container wall) is aligned with the indicia on the scale designating the quantity of material remaining the container. A preset dosage of material to be administered by the container is set by moving the slide element (and thus the scale) to a position on the plunger such that the indicia on the scale corresponding to the preselected quantity of contents to be discharged from the syringe is aligned with the fixed reference position on the container.

Woodruff proceeds to explain the purpose of this arrangement:

10/811,258

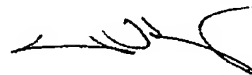
L-F/227

The automatic zero reset feature of the syringe enables the same syringe to be efficiently used for administering separate, successive multiple doses of material, each of which may be of the same or different quantity than the previously administered dosage. Subsequent dosages may be quickly and precisely set on the scale based only on the specific quantity of material to be administered, thereby eliminating the need to make calculations or adjustments to the scale setting. The elimination of such calculations and adjustments significantly reduces the risk of administering incorrect dosages, a problem which occurs frequently when the same syringe is used to administer a plurality of separate dosages of varying quantities of material, and further reduces the time required to administer multiple doses to enhance the overall efficiency of the administration process.

The Woodruff patent, therefore, clearly fails to teach a plunger having the scale and a stop that moves relative to the scale and plunger, as is claimed herein. Applicant thus submits that the claims are patentable and requests early transmission of a Notice of Allowability.

If any petition for extension of time is necessary to accompany this communication, please consider this paper a petition for such an extension of time, and apply the appropriate extension of time fee to Deposit Account 23-3000. If any other charges or credits are necessary to complete this communication, please apply them to Deposit Account 23-3000.

Respectfully submitted,



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